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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,353	06/18/2001	Glenn R. Engel	10003415-1	2420

7590 06/27/2006
AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
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Loveland, CO 80537-0599

EXAMINER

PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/884,353	Applicant(s) ENGEL ET AL.	
	Examiner Niketa I. Patel	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/12/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Ham. Henry
Supervisory
PRIMARY EXAMINER
GROUP 2100
AUL181
6/13/2006

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/21/2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-22, 24, 26, 29, 33-34, 36 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Rogers et al. U.S. Patent Number: 6,405,111 B2 (hereinafter '*Rogers*').

4. **Referring to claim 21, 33, *Rogers*** teaches a system and a method comprising: a device [figure 4, elements 200, 210] that is capable of performing at least one behavior according to a set of configuration data [see column 9, lines 11-50, the examiner construes the functionality as configuration data], the device generating an HTTP request on a communication network [see column 9, lines 11-22, 'HTTP'] such that the HTTP specifies a URL [see column 9, lines 23-28, the examiner construes the TCP/IP address as the URL] associated with the configuration data

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[see column 9, lines 31-33, various functionalities]; configuration server that responds to the HTTP request by generating an HTTP response on the communication network such that the HTTP response carries the configuration data to the device [see column 9, lines 11-15, 28-33 and column 10- lines 55-66, 'the controller 220 provides functionality to the automotive service equipments'.]

5. **Referring to claims 22, 34, *Rogers*** teaches wherein the HTTP request is an HTTP POST that includes a set of data generated by the behavior of the device [see column 10, lines 5-9, 'raw data'.]

6. **Referring to claim 24, 36, *Rogers*** teaches wherein the data is associated with an error detected by the device [see column 11, lines 54-61, 'data related to equipment problems diagnoses'.]

7. **Referring to claim 26, 38, *Rogers*** teaches wherein the data includes a set of measurements obtained by the device [see column 10, lines 5-9, 'raw data'.]

8. **Referring to claim 29, *Rogers*** teaches a local network that enables communication among the device and a set of additional devices [see column 11, lines 27-47, 'local HTTP network at the shop'.]

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 23, 25, 35, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. U.S. Patent Number: 6,405,111 B2 (hereinafter '*Rogers*') and further in view of U.S Patent Application Publication No: 2005/0210296 A1 (hereinafter '*Devine*').

11. **Referring to claim 23, 25, 35, 37**, *Rogers* teaches collecting various types of data from the device and transferring it to the host controller [see column 10, lines 5-9, 'raw data'] however fails to teach wherein the data is associated with a periodic heartbeat of the device and an alarm detected by the device. *Devine* teaches collecting a heartbeat and an alarm data in order to determine the status of the device connected to the network [see paragraph 132.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of *Rogers* to be able to monitor status of the device by collecting a heartbeat and an alarm data. It is for this reason that one of ordinary skill in the art would have been motivated to collect data associated with heartbeat and an alarm data.

12. Claims 27-28, 30-32, 39 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. U.S. Patent Number: 6,405,111 B2 (hereinafter '*Rogers*') as applied to claims 21, 33 above, and further in view of Kobata et al. U.S. Patent Number: 6,591,367 (hereinafter referred to as "*Kobata*").

13. **Referring to claims 27, 39**, *Rogers* teaches receiving the configuration data from a workstation [see column 9, lines 11-15, 28-33 and column 10- lines 55-66] *Rogers* does not set forth the limitation of setting a configuration pending indicator however *Kobata* teaches this

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limitation [see *Kobata* column 4, lines 22-33.] One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of *Rogers* for providing protection from unauthorized use of data by a system. It is for this reason that one of ordinary skill in the art would have been motivated to use configuration pending indicator to provide protection from unauthorized use of data by a system.

14. **Referring to claim 28**, teachings of *Rogers* as modified by the teachings of *Kobata* teaches wherein the configuration server transfers the configuration data to the device in the HTTP request if the configuration pending indicator is set and transfers an acknowledgement to the device otherwise [see *Kobata* column 4, lines 22-33.]

15. **Referring to claims 30, 40, 41**, teachings of *Rogers* as modified by the teachings of *Kobata* teaches wherein the HTTP request includes a configuration change message that indicates that a specified one of the additional devices has a set of pending configuration data on the configuration server however *Kobata* teaches this limitation [see *Kobata* column 4, lines 22-33.] One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of *Mendez* for providing protection from unauthorized use of data by a system. It is for this reason that one of ordinary skill in the art would have been motivated to use configuration pending indicator to provide protection from unauthorized use of data by a system.

16. **Referring to claim 31**, teachings of *Rogers* as modified by the teachings of *Kobata* teaches wherein the device transfers the configuration change message to the specified one of the additional devices via the local network [see *Rogers* column 9, lines 11-15, 28-33 and column 10- lines 55-66.]

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17. Referring to claims 32, 42, teachings of *Rogers* as modified by the teachings of *Kobata* teaches wherein the specified one of the additional devices obtains the pending configuration data by transferring an additional request message to the configuration server via the communication network [see *Kobata* column 4, lines 22-33.]

Response to Arguments

18. Applicant's arguments with respect to claim 21-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz Fleming can be reached on (571) 272 4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Summary
Fritz Fleming
FRITZ FLEMING
PRIMARY EXAMINER
GROUP 2100
AUL (8)
6/23/1006

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP

06/21/2006